

Remarks/Arguments

This is a full and complete response to the Office Action mailed January 25, 2008. In the present Office Action claims 1-31 are pending, claims 2-7, 18-28, and 31 are withdrawn, claims 1, 8-10, and 15-17 stand rejected under 35 U.S.C. §103, claims 11-14 are objected to, and claims 29 and 30 have been allowed.

In this response, claims 1-8, 18-28, and 31 are canceled. Claims 9-12, 15 and 17 are amended. Claims 32-34 are newly added. No new matter is believed to be entered by these new claims.

In view of both the amendment presented above and the following remarks, it is submitted that the claims pending in the application are nonobvious. It is believed that this application is in condition for allowance.

Allowable Claims

Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant amended claim 11 to include the limitations of claim 1. Applicant amended claim 12 to include the limitations of claim 1. Claims 13 and 14 depend from amended claim 12. Applicant requests consideration for allowance of claims 11-14.

Applicant adds new claim 32 which includes the limitations of amended claim 11 and 13. Claims 33 and 34 include the limitations of amended claim 11 and original claims 13 and 14, respectively. Applicant requests consideration for allowance of claims 32-34.

Allowed Claims

Claims 29 and 30 have been noted by the Examiner as allowed.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1, 8-10, and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,287,484 to Usui et al. (hereinafter "Usui") in view of US Patent No. 5,994,681 to Lloyd (hereinafter "Lloyd"). For at least the reasons set forth

below, Applicant submits that such claims are not rendered obvious by the cited documents.

Claims 1 and 8 are herein canceled.

The Office action provides that the Usui reference shows “many of the features of the claimed invention”. The Office action fails to identify those particular features, either by figure or text reference, in the reference that are alleged to be also found in the rejected claims. Without specific reference to those elements purported to be found in Usui that are relevant to the claimed subject matter, applicant is unable to properly respond.

In an attempt to advance prosecution of this matter, Applicant submits the following arguments in support of allowability of the instant claims.

The Office action fails to assert that the applied documents, alone or in combination, disclose or suggest every element of Applicant's claimed subject matter of claim 9. Claim 9 provides “wherein the conductive member comprises a substantially disc-shaped center portion and a plurality of arms extending from the center portion” as exemplified in the embodiment of Fig. 17A, where the arms extending from the center portion modifies the surface area of the conductive member in a predetermined manner. Applicant is unable to find a teaching of this structure in the cited references. Applicant respectfully requests reconsideration of claim 9.

The Office action asserts that “Usui discloses a “disc shaped conductor” which may (sic) be made by “pasting an eddy current member on the surface (sic) of a magnet”, providing portions of both conductive and nonconductive parts.” Applicant cannot find the quoted text in the reference. If the examiner is referring to col. 11, lines 30-34, Applicant submits that that section is completely unintelligible possibly due to translation errors. Applicant finds no suggestion in Usui of providing a conductive member comprising a plurality of conductive portions separated by non-conductive portions as provided in claim 10. Applicant notes that the conductive member is the member that is inductively heated by the moving magnets, not the magnet assembly

that contains magnets (corresponding to magnetic ring plate 85 in Usui). Applicant respectfully requests reconsideration of claim 10.

Claims 15-17 have been amended to depend from allowable claim 11, and therefore the rejection should be moot. Applicant respectfully requests reconsideration of claims 15-17.

Documents Cited but Not Relied upon for this Office Action

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

Failure of the Applicant to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. It is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is not necessary to respond to every position taken by the Examiner with which Patentee does not agree in this or other correspondence. Instead, it is believed that the foregoing addresses the issues raised by the Examiner and that the present claims are in condition for allowance.

Conclusion

Applicant respectfully requests reconsideration and allowance of the pending claims.

The Examiner is invited to contact Applicant's Representative at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,



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